

SUMMARY REPORT OF INVESTIGATION**I. EXECUTIVE SUMMARY**

Date of Incident:	December 11, 2017
Time of Incident:	3:30 PM
Location of Incident:	XXXX N. Northwest Highway, Chicago, IL
Date of COPA Notification:	December 15, 2017
Time of COPA Notification:	4:56 PM

On December 15, 2017, Subject 1 contacted the Civilian Office of Police Accountability (“COPA”) to report an incident regarding the service he received from officers investigating a battery committed against him. He reported that responding Officers A and B responded to a service call from “XXXXXXXX Car Wash.” Upon their arrival, Subject 1 and the alleged offender, Civilian 1, were still on scene. During the officers’ investigation, Subject 1 alleged that Officer A attempted to persuade him to not pursue charges against Civilian 1, suggesting that Officer A did so by way of intimidation and a threat to arrest his daughter. He also alleged that Officer A overlooked Civilian 1’s father’s attempt to pay a car wash employee to destroy video evidence. Ultimately, Civilian 1 was arrested for the battery committed against Subject 1.

II. INVOLVED PARTIES

Involved Officer #1:	Officer A Star# XXXX, Employee #XXXX DOA: XX XX, 1995 Police Officer, District XXX DOB: XX XX, 1972 Male/Black
Involved Officer #2:	Officer B Star # XXXX, Employee # 55181 DOA: XX XX, 1997 Police Officer, District XXX DOB: XX XX, 1967 Male/Asian
Complainant #1:	Subject 1 DOB: XX XX, 1963 Male/White

ALLEGATIONS

Officer(s)	Allegation	Finding
Officer A	<p>1. Threatened and intimidated Subject 1 in violation of Rules 2, 4, and 8.</p> <p>2. Failed to conduct a proper and adequate investigation of an alleged attempt to destroy evidence in violation of Rules 2, 3, and 5.</p>	<p>Unfounded</p> <p>Unfounded</p>

III. APPLICABLE RULES AND LAWS

Rules and Regulations of the Chicago Police Department

Rule 2: Any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the department.

Rule 3: Any failure to promote the Department's efforts to implement its policy or accomplish its goals.

Rule 4: Any conduct or action taken to use the official position for personal gain or influence.

Rule 5: Failure to perform any duty.

Rule 8: Disrespect to or maltreatment of any person, while on or off duty.

Special Orders

Special Order 08-01-01 – Conduct of Complaint Investigations

IV. INVESTIGATION¹

a. Interviews

On December 15, 2017, **Subject 1** provided a statement to COPA. He reported that, on December 11, 2017, while at XXXXXXXX Car Wash, he was battered by Civilian 1, his daughter's ex-boyfriend. Subject 1 relayed that the incident was observed by multiple witnesses, including several car wash employees. Afterwards, Officers A and B responded to a call reporting the battery and conducted an investigation.

¹ COPA conducted a thorough and complete investigation. The following is a summary of the material evidence gathered and relied upon in our analysis.

Subject 1 alleged that, during the investigation, Officer A attempted to discourage him from pressing charges against Civilian 1 by threatening to arrest his daughter if he did so.²

Subject 1 also alleged that Officer A was present during a conversation where Civilian 1's father, Civilian 2, offered to pay a car wash employee, Civilian 3,³ to destroy surveillance video depicting the alleged battery.⁴ Subject 1 was bothered that Officer A did not intervene during that conversation. However, during the same interview, Subject 1 also stated several times that Civilian 3 told him that the cameras were inoperable.⁵

b. Digital Evidence

Body Worn Camera (BWC) X8XXXXXXX⁶ footage retrieved from **Officer B, #XXXX** shows the response of Officers A and B to a battery in progress on December 11, 2017, at the XXXXXXXX Car Wash.⁷ Upon their arrival, Subject 1 and Civilian 1 were still on scene. Footage revealed a chaotic scene with multiple witnesses providing the officers with conflicting accounts of the incident.⁸

From the footage, Officer A appeared to serve as a mediator between the Subject 1 and Civilian 1 families, who apparently have a contentious history.⁹ Members of the Civilian 1 family were inquiring about pressing charges for property damages against Subject 1's daughter, who was not present. Next, Officer A is heard explaining the procedure for Civilian 1's arrest [for battering Subject 1] and the Civilian 1 family's option to file a complaint against Subject 1's daughter.¹⁰ However, at no time during these conversations is Officer A heard attempting to persuade Subject 1 to drop his claim of battery or threatening to arrest his daughter in retaliation for pressing charges against Civilian 1. In short, the video shows that Officer A was attempting to control a chaotic and confusing scene involving two feuding families. Ultimately, Civilian 1 was arrested and charged for battery against Subject 1.

c. Documentary Evidence

The **CPD Arrest Report (RD#JAXXXX)** of **Civilian 1** documents his arrest for committing a battery against Subject 1, specifically that Civilian 1 punched Subject 1 in the nose.¹¹

V. ANALYSIS

² Att.#11 at 23:00.

³ No last name was given for Civilian 3.

⁴ Att. #11 at 26:00

⁵ Att. #11 at 25:55, 29:20, 54:38.

⁶ Att. #12

⁷ COPA was unable to obtain Officer A's BWC footage and, for the purposes of this report, presumes that he forgot to activate his BWC. However, Officer B's BWC captures Officer A's actions and conversations during this incident.

⁸ Att. #12 at 11:58

⁹ *Id* at 16:40

¹⁰ Based on Subject 1's statements during his interview, he apparently construed this exchange to mean that, if he pressed charges against Civilian 1, Officer A would punish him by arresting his daughter. In fact, Officer A's statements captured on the BWC show him informing Subject 1 that Civilian 1's family may retaliate against him if he pressed charges against Civilian 1 by asking for his daughter's arrest for property damage.

¹¹ Att. #4

Footage from Officer B's BWC shows Officer A's interactions with Subject 1, Civilian 1, and the bystanders at the scene. The footage does not corroborate Subject 1's allegations.

Subject 1 alleged that Officer A threatened him through the arrest of his daughter to discourage him from pressing charges against Civilian 1. He also alleged that Officer A ignored Civilian 2's efforts to pay car wash employees to destroy video evidence of the incident. Based on the information collected from Subject 1's interview and Officer B's BWC footage, COPA determined that these allegations have no factual basis.

Special Order 08-01-01, Part II.F.13, provides that, "The member assigned to investigate a Log number will: terminate the investigation when it is determined at any time that the incident is unfounded or if the member is clearly exonerated . . ."¹² Based on the Special Order and a review of the evidence, COPA is terminating this investigation with findings of **UNFOUNDED** for each allegation.

As to Allegation 1: BWC footage shows the interaction between Officer A and Subject 1. The footage and Subject 1's statement make clear that the Civilian 1 and Subject 1 families have a volatile relationship. At no time during the footage is Officer A heard saying that he would arrest Subject 1's daughter if Subject 1 pressed charges against Civilian 1. Rather, he simply informed Subject 1 that the Civilian 1 family may choose to press charges against his daughter if he signed a complaint to have Civilian 1 arrested. Officer A appeared calm and neutral as he allowed the hostile families to argue among themselves. Ultimately, Civilian 1 was arrested, charged, and prosecuted for battery and Subject 1 received medical treatment. Thus, COPA finds that the allegation that Officer A intimidated Subject 1 by threatening to arrest his daughter if he pressed charges against Civilian 1 is **UNFOUNDED**.

As to Allegation 2: Subject 1 alleged that Officer A turned a blind eye as he listened to Subject 1's father offer a car wash employee money to destroy security camera footage. However, on Officer B's BWC footage, a car wash employee is heard confirming on multiple occasions that the cameras were inoperable. At no time during the footage are conversations heard regarding money or an arrangement such as Subject 1 described. Thus, Subject 1's interview provides an account of the alleged incident at odds with the BWC footage. Notably, in the same interview, Subject 1 stated that a car wash employee told him that the cameras were not working, further straining his credibility. The physical evidence shows that Subject 1's second allegation lacks a factual basis. Accordingly, COPA finds that the allegation that Officer A failed to investigate an attempt to destroy evidence is **UNFOUNDED**.

¹² Effective Date, 30 November 2017.

VI. CONCLUSION

Based on the analysis set forth above, COPA makes the following findings:

Officer	Allegation	Finding
Officer A	<ol style="list-style-type: none">Threatened and intimidated Subject 1 in violation of Rules 2,4, and 8.Failed to conduct a proper and adequate investigation of an alleged attempt to destroy evidence in violation of Rules 2, 3, and 5.	Unfounded
		Unfounded

Approved:

Acting Deputy Chief Administrator A
Acting Deputy Chief Administrator

Date

Appendix A

Assigned Investigative Staff

Squad#:	XX
Investigator:	COPA Investigator A
Supervising Investigator:	COPA Supervising Investigator A
Acting Deputy Chief Administrator:	Acting Deputy Chief Administrator A